

## THE OMAHA SUNDAY BEE

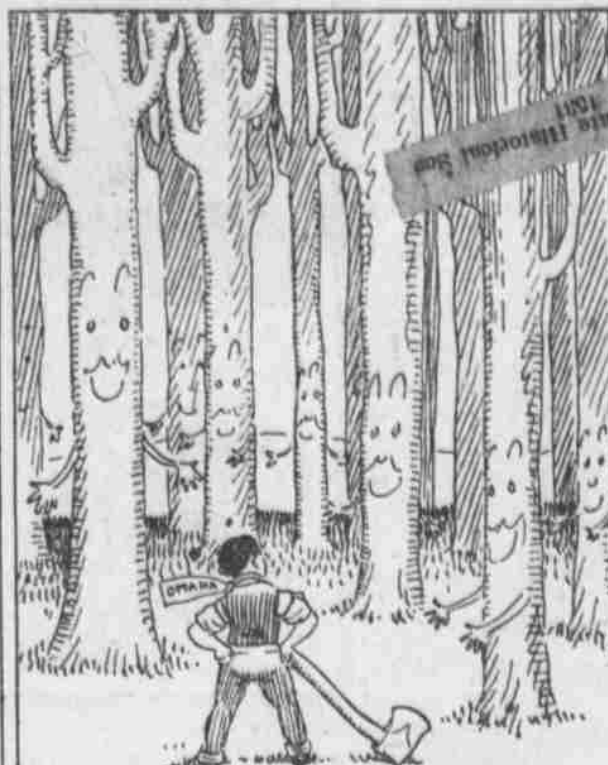
WEATHER FORECAST

Fair; Mild

## Coming and Going in Omaha



"HOISTING THE BANNER."



A PROCESS OF ELIMINATION COMMISSIONERSHIP TUBER.



THANK HEAVENS! IT'S OVER FOR THIS YEAR

END OF FOOT-BALL SEASON



TALKING IT OVER

TIGER HILL FORT  
NEAR NANKING IS  
TAKEN BY REBELS

Position Which Commands the City  
Captured by Revolutionists  
After Long Fight.

## MANY IMPERIALISTS DESERT

Number of Big Guns Fall Into Hands  
of the Rebels.

## YUAN BECOMING UNPOPULAR

Neither Chinese Nor Manchus Trust  
the New Premier.

## TRIES TO PLACATE BOTH SIDES

Moderates Believe Pacific Measures  
Are to Placate Foreigners.

## UNPOPULAR IN THE PROVINCES

People Object to His Attempts to  
Prevent Different Sections  
from Declaring Their  
Independence.

NANKING, Nov. 25.—The revolutionary forces today captured Tiger Hill fort outside the walls of the city and which commands the city and river. Several big guns were taken. A number of imperialists have joined the rebels.

## New Premier Denounced.

PEKING, Nov. 25.—Premier Yuan Shi Kai's position is becoming more intolerable daily. Neither the Manchus nor the Chinese trust him, and the Manchus are becoming more suspicious.

The moderates do not hesitate to say that if Yuan had remained at Chang-Tu the court would now be at Jehol and the rebellion ended. Many Chinese believe that while Yuan is reassuring foreigners with a view to obtaining a loan and placating the moderates with pretended pacific measures, he is in reality intent on sternly crushing the rebellion with force.

The continued fighting at Hankow and near Nanking is taken as lending color to this belief. The imperialists after an attack on Hankow that lasted thirty-six hours were repulsed last Thursday and driven back across the Han river with great loss.

## Yuan Unpopular in Provinces.

SAN FRANCISCO, Nov. 25.—Efforts on the part of the premier Yuan Shi Kai to prevent numerous provinces from declaring their independence have aroused the jealousy of these provinces and the people are clamoring to have the officials who have done the premier's bidding imprisoned, according to a Hong Kong dispatch received today.

Receivership Case  
Into Federal Court

CLAY CENTER, Neb., Nov. 25.—(Special.)—In the action brought by the minority holders of the St. Joseph & Grand Island Railway company for the appointment of a receiver and for an injunction, a petition of removal and bond was filed by the Union Pacific this morning, removing the case to the United States court. Judge Hurd signed the order of removal and the case is now lodged in the federal court.

BROTHER OF STANISLIS  
WRITES FROM BROOKLYN

(From a Staff Correspondent.)  
LINCOLN, Nov. 25.—(Special.)—C. G. Stanislas, of 414 Sixty-second street, Brooklyn, N. Y., today sent a message to Deputy County Attorney Hager in which he says he is a brother of the late Theodore Stanislas. He asked if the report that Stanislas had committed suicide in the Lincoln city jail was correct. The deputy county attorney answered that the report was true and asked for directions as to the disposition of the body. So far no funeral arrangements have been made. Stanislas' body is now at a local undertaking establishment.

NEBRASKA CITY TO VOTE  
ON COMMISSION FORM

NEBRASKA CITY, Nov. 25.—(Special.)—J. D. Houston has secured 250 names to his petition to the city council asking for the submission of the commission form of government to the voters of this city. He has filed his petition with the city clerk and the mayor and council may take some action at their next meeting, which will be December 5. This petition has been in existence for some time, but not until recently were a sufficient number of names secured to enable the promoters to present the same to the council.

## The Weather

For Nebraska—Fair; moderate temperature.  
For Iowa—Fair; warmer east portion.  
Temperature at Omaha Yesterday:  
Hour Degree 12 m. 47  
5 a. m. 39 1 p. m. 48  
8 a. m. 38 3 p. m. 50  
11 a. m. 35 6 p. m. 47  
Normal precipitation .42 inch  
Deficiency for the day .02 inch  
Total rainfall since March 1.11.77 inches  
Deficiency since March 1.11.77 inches  
Excess cor. period, 1910.14.77 inches  
Excess cor. period, 1909.2.93 inches  
Comparative Local Record:  
1911.1910.1909.1908.  
Highest yesterday 53 59 67 67  
Lowest yesterday 23 31 40 32  
Mean temperature 44 46 54 54  
Precipitation .40 .90 7 .32  
Temperature and precipitation departures from the normal:  
Normal temperature .24  
Excess for the day .02  
Total excess since March .24  
Deficiency for the day .02  
Total rainfall since March 1.11.77 inches  
Deficiency since March 1.11.77 inches  
Excess cor. period, 1910.14.77 inches  
Excess cor. period, 1909.2.93 inches

COUNTY TO SELL  
VOTE MACHINES

Board of Commissioners Decides  
that it Will Get Rid of  
Them.

## AS RESULT OF INACCURACIES

Elsasser Votes No and Lynch Passes  
His Vote—Commissioners Say  
that City Will Make the  
Same Move.

As a result of recent disclosures of inaccuracy, unreliability and undependability of the voting machines, which have been in use in Douglas county for the last six years, the Board of County Commissioners voted to abandon their use and to prohibit it in the future at their meeting yesterday. A resolution offering the county's thirty-eight machines for sale to the best bidder was deferred until Wednesday morning to afford time to determine the best method of selling them.

Commissioner O. J. Pickard introduced the resolution doing away with the use of the machines and spoke in support of the measure. He declared that it was not a political move.

"During the last week," said Mr. Pickard, "leaders of both parties have told me they believed the use of the machines should be done away with. Such republicans as Judge Sutton, Judge Estelle and County Clerk-elect Frank Dewey have told me they are certain the machines are not to be relied upon. Democrats like M. L. Endres and John H. Grossman have said the same. At the commission plan election next year the machines could not be used, as the law specifically provides that the Australian ballot be used. There is no election near at hand. Nobody knows now what the lineup or situation will be by the time another election comes. Therefore, it cannot be thought there is any political motive behind this. We bought the machines in 1906 and six years of use, I believe, has convinced most people that they are a failure."

Commissioner Lynch said he "went up against" the machines a year ago, when they gave the democrats the advantage, and he managed to be elected. Therefore, he said, he had no personal objections to the machines, but neither had he objections to the Australian ballot.

He said he had not studied the proposition enough to be able to vote intelligently, so he would pass.

Commissioner Elsasser said in his opinion the county first should confer with Omaha and South Omaha city councils.

Bedford, O'Connor and Pickard voted yes; Elsasser, no; Lynch passed.

On the resolution to offer the machines for sale, Elsasser again suggested the advisability of the county's inducing Omaha and South Omaha to act similarly. Mr. Pickard said he understood they would. There was some discussion as to the best method of selling the machines, which ended when Lynch moved to defer until next Wednesday's meeting. Methods will be discussed then.

Douglas county owns thirty-eight of the machines. The others are owned by Omaha and South Omaha. The machines cost \$600 each.

Pope Pius Receives  
Archbishop Farley

ROME, Nov. 25.—Pope Pius gave a private audience today to Archbishop Farley of New York. The reception was attended with considerable ceremony, and at its conclusion, in response to the cardinal-designate's expressions of gratitude, the pontiff said it had long been his desire to recognize the loyalty of the Catholic church in America and the merit of the archbishop of New York.

## ESTELLE SUES DAILY NEWS

Judge of District Court Starts Suit  
for \$80,000.

## CHARGES INJURY TO HIS HEALTH

Petition Sets Out Alleged Libel  
Which Was Published by the  
News Over Signature of  
Rev. B. F. Fellman.

Libel is charged against the Omaha Daily News Publishing company and Rev. Benjamin F. Fellman, pastor of Grace Baptist church, in a suit for \$80,000 damages, started by Judge Lee S. Estelle, presiding judge of the district court, in the district court yesterday afternoon. The petition was filed by Mahoney & Kennedy, counsel for Judge Estelle.

The alleged libel, which is set out in full in the petition, is a letter to the editor of the Omaha Daily News, signed by Mr. Fellman and published over his signature in the News on August 14. The letter either directly or by inference charges Judge Estelle with corrupt prejudice in favor of certain "interests," with failure to act honestly and uprightly in administering the law; with misadministering the law against the people; with being in league with Tom Dennison, who is alleged and rumored to be a considerable political influence in the third ward; with being in league with Tom Dennison and "the third ward crowd;" with being interested in protecting the "crowd" against prosecution for its alleged gambling and other vices; with improper judicial acts in connection with the trial of Frank Edman, the man who was convicted of attempting to kill Tom Dennison with an internal machine. The letter closes by saying Mr. Fellman raises his voice "against cabalistic of the gamblers and the courts in the temple of justice" and urging republicans to defeat Estelle.

The petition sets out that Judge Estelle is an attorney who for more than twenty-five years has lived in Omaha, and judge of the district court since 1900, the head of a family consisting of himself and his wife and their four children, the eldest a boy of 10. The petition alleges that by reason of the publication of the alleged libel Judge Estelle's reputation has been greatly damaged; he has suffered deep humiliation and great mental pain, and has suffered at the time of publication Judge Estelle was seeking republican nomination for district judge. Since then he has been renominated and re-elected.

Huron Celebrates  
Completion of Half  
Million Endowment

HURON, S. D., Nov. 25.—(Special.)—A justification meeting was held last night for the purpose of giving Huron people and others an opportunity of expressing pleasure over the victory achieved by C. H. French, president of Huron college, in securing for that institution a \$500,000 endowment fund. The attendance was large and the enthusiasm marked.

A number of friends from out of the city were present. Chairman E. L. Abel of the board of trustees, presided. Charles F. Koepf, mayor, was the first speaker. He was followed by Hon. A. K. Gardner, Rev. E. H. Grant, Rev. Charles Miller of Woonsocket, a former student of the college; Prof. Edwin Dukes and C. K. Hoyt of the faculty. The students were represented by A. E. John and Harold Andrews. Music was furnished by the faculty quartet, Dean Garnet Hedge and the college glee club. All the speakers paid high compliments to Dr. French, who was later called to reply. He said the honor belonged to all who had aided in the work, and the end could not have been attained except by the co-operation of the citizens of Huron and people of South Dakota.

## New Clerk in Department.

WASHINGTON, Nov. 25.—(Special Telegram.)—Herman O. Schona of Huron, S. D., has been appointed a clerk in the Postoffice department.

The postmaster at Linn City, Ia., has been allowed an additional letter carrier for December.

Double-Page  
Mutt  
and  
Jeff  
Picture

## See Sport Section

LIVE STOCK MEN  
AT STATE FARM

South Omahans See Prize Steers and  
Attend Foot Ball Game at  
Lincoln.

## MORE THAN HUNDRED IN PARTY

Inspect Fat Cattle that Will Go to  
Chicago Next Week to Enter  
International Live Stock  
Show.

(From a Staff Correspondent.)  
LINCOLN, Neb., Nov. 25.—(Special.)—Over 100 South Omaha commission merchants came to Lincoln today to visit the state university agricultural college and to witness the Michigan-Nebraska foot ball game. Following the annual custom, the South Omaha men went from the train directly to the state farm.

There they inspected the prize cattle and later were entertained at a luncheon. Prize steers and other cattle which are to be shipped to Chicago next week as entries in the Chicago Live Stock show attracted the attention of the commission men. Among the entries for the 1911 show are several which won prizes last year. Others are expected to take points this year.

The Nebraska college of agriculture has a record of having won more prize fat cattle than any other school in the country. For many years the exhibits have met with unusual success. Primarily the university cattle are not purchased and bred for prize-winning purposes. They are used to instruct students in practical stock judging and the prize-winning feature is an incidental.

## Compliments Swapped.

Expressions of good will and appreciation of each others' interests were extended by representatives of the agricultural college to the commission men, and these returned the compliments. At the luncheon at noon Dean Burnett and Prof. H. R. Smith of the college and Secretary A. F. Stryker of the South Omaha Live Stock exchange were the principal speakers.

Dean Burnett told the stockmen that it was a mistake for the farmer to avoid stock raising. By using his land rationally for stock raising and crops its value can be considerably enhanced, said Prof. Burnett.

Prof. Smith expressed the appreciation of the college at the interest manifested by the South Omaha men. He declared that Nebraska, on account of alfalfa raising, could take front rank in the live stock industries. He emphasized the importance of balanced rations in feeding and asserted that in such methods lay success for Nebraska farmers and stockmen.

"Many of the unprofitable agricultural regions of the state can be made profitable stock producing centers," he said.

In return Mr. Stryker told the agricultural professors and students that his college prized the valuable work accomplished by the college in training young men in scientific farming and stock raising. He said that the school was a thing which every man interested in the future of the state could well afford to support.

Luncheon was served at noon, the menu being beef cream, ice cream and whipped cream, the products of the state farm. Following the dinner the South Omaha party took special cars for the city campus, where they occupied a section of seats at the Michigan-Nebraska foot ball contest.

Rock Island Shop  
Employees Accept

CHICAGO, Nov. 25.—Executives of the International union of shopmen employed by the Rock Island today accepted the road's wage and labor schedules, thus ending talk of a strike, which would have affected 6,000 men.

INDIAN IS ACCUSED OF  
THREATENING TO KILL WIFE

HARLAN, Ia., Nov. 25.—(Special.)—Peter Commander, a full blood Mexican Indian, who has been a resident of this city for several years, was taken into court today on information sworn out by Cora Commander, his wife, charging him with threatening to cut her head open with an axe and burn her body. Commander was arrested yesterday afternoon on a farm five miles north of here, where he was at work picking corn, and brought before Justice J. G. Honeywell for trial. By agreement the case was continued for three weeks with the understanding that Commander was to leave the county, and to give his wife all the property he had accumulated. He left for Minnesota at once.

## SCHOOL BOARDS ARE BARRED

Members Must Not Write Insurance  
for Districts.

## DECISION BY IOWA OFFICER

Requisition Issued for Return from  
Indiana of Woman Attendant Ac-  
cused of Taking Garments  
from the State.

(From a Staff Correspondent.)  
DES MOINES, Ia., Nov. 25.—(Special Telegram.)—Members of school boards have no legal right to write fire insurance on any property belonging to the school district, neither do they have any right to sell any supplies or materials to the school board, according to an opinion by N. J. Lee, special counsel of the state department of justice.

The opinion goes even further than this and makes the sweeping assertion that members of a school board have no legal right to deal with the board of which they are members, for supplies for the district, if by the deal such member is to make any money.

The same rule applies to all boards and commissions and officers and the case arose on a matter from one of the smaller counties.

Woman Attendant Accused.  
Anna B. Austin, an attendant employed at the state insane hospital at Pleasant, has been arrested on the charge of the Indiana officials that she stole \$40 worth of garments from one of the institutions there. Governor Carroll today issued an extradition for her return to Indiana.

Censure for Magazine.  
At a meeting of the district Women's Christian Temperance union, held here this afternoon, a memorial was forwarded to Anthony Comstock and the vice commission in New York urging them to appeal to the postoffice department and to have stopped for passage through the mails the Comstockian magazine so long as it carries a certain story by David Graham Phillips, which the members who have read it declare to be unfit for placing before the readers. Ida B. Wise, secretary of the association, said:

"I have stopped my subscription to the magazine because of the continued story it is carrying."

Plotner Case Taken  
to Sanborn County

MITCHELL, S. D., Nov. 25.—(Special Telegram.)—The afternoon arguments were heard by Judge Smith for a change of venue in the case against Luther Plotner, the ex-sheriff of Davison county, and Mrs. Kate Quinn, on a statutory charge. Copies of the local papers and outside papers were presented showing that the publicity that had been given the arrest and the return of the pair when they were greeted by 1,000 people at the depot and the demonstration which followed, all of which tended to prejudice the minds of the people against them and that they would not be able to secure a fair and impartial trial.

Judge Smith finally agreed to give the change of venue to Woonsocket in Sanborn county and the case will come up January 2, when the first term of the court will be held in the county.

WOMAN SEEKING DIVORCE  
CREATES SCENE IN COURT

LOS ANGELES, Nov. 25.—With arms akimbo and face thrust up to the bench, Mrs. Anna F. Holman, said to be a sister of Oliver Hirschberg, a Pittsburgh millionaire, shouted at Judge Monroe of the superior court of this county: "You're unfit to be a judge. Did you hear that?" Then screaming and scratching she was led away. Mrs. Holman's divorce suit had just been transferred to the Orange county court.

## Getter Secures Contract.

WASHINGTON, Nov. 25.—(Special Telegram.)—The contract has been awarded Marcus G. Getter of Mitchell, Neb., for enlarging parts of lateral 24 in the North Platte irrigation project in Nebraska and Wyoming. Cost of work is \$1,612.74.

Home Grown  
Daffy dils  
Get Into  
the Game  
Yourself  
See First Page  
Sport SectionTORY OF MARTZ  
IS CONTRADICTED

Rockefeller's Attorney Says Civil  
Engineer Lied to Com-  
mittee.

## WAS FIRED FOR INCOMPETENCY

Emphatic Denial that Employee Was  
Asked to Make False Report  
to Railroad Commis-  
sion.

DULUTH, Nov. 25.—Denying an "unqualified and malicious falsehood" the testimony given recently by C. P. Martz before the congressional committee investigating the United States Steel corporation Joseph D. Cotton of Duluth, attorney for the Rockefeller interests on the Iron Range, and former attorney for the United States Steel corporation, today telegraphed a statement to Augustus O. Stanley, chairman of the investigating committee.

C. P. Martz testified before the Stanley committee that he had been ordered as chief engineer to "pad" the cost of producing the Duluth, Missabe & Northern railroad, alleging that George Welwood Murray and Joseph B. Cotton, then attorneys for the Duluth, Missabe & Northern railroad, had issued the orders. Failing to "pad" the cost of production of the road, Martz testified, his position was taken away from him within one year.

This statement says in part: "My attention has been called to the reports of recent testimony of one C. P. Martz before your committee. I hereby notify you that any statement by said Martz before your committee that either George Welwood Murray or I ever requested or advised or requested Martz to pad or increase the valuations or estimates of cost or cost of reproduction of the Duluth, Missabe & Northern railroad to any extent or in any particular whatever is an unqualified and malicious falsehood."

Martz was fired.  
"Permit me to add: Martz was the chief engineer of the Missabe railroad until April, 1909, when he was removed by the management for incompetency. "Only two proceedings were ever instituted attacking the ore rates of the Missabe & Duluth and Iron Range railroads, and those were brought before the Minnesota Railroad commission, this first was commenced April 25, 1908, by John G. Brown and others. The principal attack was against the Iron Range railroad, although any order made as to it would equally have affected the Missabe.

"Voluminous testimony was taken at Duluth, St. Paul, Cleveland, Chicago and elsewhere. The complainants employed and used competent and experienced railroad engineers, real estate and other experts.

Suit Was Dismissed.  
"One of the principal questions involved was the cost of reproducing the railroads, docks, rolling stock and equipment as of the time of the suit; not their original cost. The estimates of cost of reproduction of the Missabe were prepared by H. L. Dresser, who succeeded Martz, and concurred in by said Martz, and supporting these estimates the Missabe had expert witnesses. After a hearing lasting nearly all summer the case was voluntarily dismissed by the complainants November 26, 1908.

"I must insist that the record of the proceedings be corrected in accordance with the facts to the end that the falsity of the Martz testimony shall not stand unchallenged.

"I regret exceedingly that, while you were in Duluth last summer and had Martz come from western Minnesota, you did not take sufficient time to get the truth and the whole truth, which was easily obtainable, instead of giving credence to the statement of a disgruntled, discharged employee, obviously seeking cheap notoriety. You will agree with me, I am sure, that official position does not clothe anyone with authority or right to bring about or be the cause of injustice or wrong to any citizen."

Requisition, Says Wife,  
NOT TO GIVE FREE RIDE

(From a Staff Correspondent.)  
LINCOLN, Neb., Nov. 25.—(Special.)—In petitioning for the extradition of John D. Storie of South Omaha to Chicago, Mrs. Jeanie Storie, his wife, today certified to Governor Aldrich that she was not taking such action "for the purpose of permitting anyone to get a free ride at the expense of the state."

The peculiar clause is said to have been inserted by the prosecuting officer of the case was voluntarily dismissed by the complainants November 26, 1908.

Two forward passes were tried at this

NEBRASKA HELD  
TO TIE SCORE BY  
SURPRISED TEAM

Cornhusker Machine, in Contest Re-  
sulting Six to Six, Indicates  
Superiority Over Michigan.

## WOLVERINE LUCK SAVES DEFEAT

Visitors Excelled in All Departments  
of Game Save Punting.

## TOUCHDOWN FOR EACH SIDE

Locals' Score is Earned Through  
Hard Straight Foot Ball.

## VICTORY NARROWLY MISSED

Umpire Says Blew Whistle Before  
Owen Frank Started.

## IMMENSE THRONG ON THE FIELD

Cornhuskers Claim Work of Ne-  
braskaans During Game Means  
Positions on All-West-  
ern Team.

LINCOLN, Nov. 25.—(Special Telegram.)  
—Nebraska outplayed the famous Michigan eleven this afternoon in one of the grandest foot ball battles ever fought on Nebraska field. Wolverine luck gave the visitors a tie score of 6 to 6.

With the exception of a few minutes in the opening quarter, the Michigan eleven was excelled in every department of the game, punting excepted. The Cornhuskers carried the ball three times as far as the Michigan players. The Cornhusker forwards more than held their own with Yost's heroes. The Cornhusker back field was a wonder and its brilliant dashes and charges were the best that any Nebraska eleven of recent years has seen.

Both schools scored a touchdown. Nebraska's was earned through hard straight foot ball, while Michigan made its score through the blocking of a kick, Captain Conklin rushing through and keeping Gibson's boot from advancing. He picked up the ball and raced across the goal line and then kicked goal. This score of the Wolverines was made soon after the second half opened.

Touchdown for Nebraska.  
Nebraska came back in the next three minutes of play and took the ball on the thirty-yard line. When a Wolverine fumbled Shonka made a powerful lunge into the Michigan line and advanced to the twenty-yard mark. Purdy twice rushed and shoved the ball across the goal line. Potter kicked goal.

The playing of the Cornhusker back field was the most remarkable that the eleven has displayed this fall. The two Frank brothers and Purdy made the greatest gains. Purdy plunged into the Michigan line for many gains of four and five yards and made some of them good for ten and twelve yards. The Michigan line and secondary defense seemed unable to stand up under the terrific onslaughts of the Nebraska backs.

That the game should have been won by Nebraska, none who saw it doubt. Michigan rooters declared that Nebraska played the better ball. Before the contest all expected Nebraska to be the favorite team and to be forced to struggle to avert defeat. But it was Michigan that had to fight all the time in order to keep the giant Cornhuskers from rushing over the last chalk mark.

In the final five minute of play the Cornhuskers carried the oval from the center of the field on straight foot ball to the fifteen-yard line of the Wolverines. Owen Frank fell back to the twenty-yard mark and tried a drop kick. The pass was poor and the star Cornhusker received the ball on the bound, but even with that, Frank made a creditable kick which went to the south of the uprights.

Cornhuskers Robbed of Game.  
Nebraskaans always believe they were robbed of the game and Coach Stiehmel feels that his men were done injustice. In the second quarter Owen Frank carried the ball over the Michigan goal line on a forward pass from a fake punt formation. The ball was passed to him by Warner. The umpire declared he blew his whistle just before the play started. The men of neither eleven heard the signal and all were in the game for all their strength. The ball was kicked back and Nebraska denied a justly earned touchdown.

Play in the last three quarters was mostly in Michigan territory. In the last quarter the Cornhuskers threatened the Wolverine goal at all times and seemed certain of scoring on several occasions. The Cornhuskers' defense was magnificent. Yost's players had the ball on the Cornhuskers' twenty-five-yard line in the first half and tried all their trick plays in their desperate attempt to register a touchdown, but the Cornhuskers soon solved every formation and kept the visitors away.

Two forward passes were tried at this

Dalzell's Ice  
Cream BricksTickets to the  
American TheaterBoxes of  
O'Brien's Candy

All are given away free to those who find their names in the want ads.

Read the want ads every day; your name will appear some time—maybe more than once.

No puzzles to solve nor subscriptions to get—just read the want ads.

Turn to the want ad pages—there you will find nearly every business house in the city represented.